

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

AARON RICH

Movant,

v.

CHAPWOOD CAPITAL  
INVESTMENT MANAGEMENT

Respondent.

Case No. 3:19-mc-00092-X

*Ancillary to* Civil Action No. 1:18-cv-  
00681-RJL

**REPLY IN SUPPORT OF MOTION TO COMPEL CHAPWOOD CAPITAL  
INVESTMENT MANAGEMENT TO COMPLY WITH MOVANT'S RULE 45  
SUBPOENA**

Movant Aaron Rich (“Mr. Rich”) submits this Reply in support of his Motion to Compel Chapwood Capital Investment Management’s Compliance with Movant’s Rule 45 Subpoena. [Dkt. 1] (“Motion to Compel”). Because Chapwood Capital Investment Management (“Chapwood”) has failed to respond to the Motion to Compel by its deadline to do so, Mr. Rich requests that the Court consider the Motion to Compel unopposed and enter Movant’s proposed order [Dkt. 1-2].

Mr. Rich filed his Motion to Compel on November 12, 2019. That same day, counsel for Mr. Rich (1) emailed a copy of the filings to Chapwood’s managing partner, Edward Butowsky, at the email address Mr. Butowsky previously used to serve objections on behalf of Chapwood [*see* Dkt. 1 at App’x 24; Aff. of Samuel Hall, Ex. A]; and (2) sent hard copies of the filings to Chapwood via FedEx, which filings were signed for by “K. Marsh” on November 14, 2019, at 12:42pm [*see id.* Ex. B].

Local Rule 7.1(e) states that “[a] response and brief to an opposed motion must be filed within 21 days from the date the motion is filed.” A failure to timely respond indicates lack of opposition to such a motion. *See also Flu Shots of Texas Ltd. v. Lopez*, No. 3:13-CV-0144-O, 2014 WL 12584332, at \*1 (N.D. Tex. Mar. 20, 2014) (“The 21-day time period has now expired, and Plaintiff has not responded to the motion. Thus, the Court presumes that Plaintiff does not oppose the relief sought by the motion.”).

Here, Chapwood was required to file any response no later than December 3, 2019. Chapwood failed to do so. As of the filing of this Reply, Chapwood has still failed to file any response. The Court should, therefore, deem the Motion to Compel unopposed and grant the Motion to Compel.

Dated: December 6, 2019

/s/ Paul J. Skiermont  
PAUL SKIERMONT (TX Bar No. 24033073)  
SKERMONT DERBY LLP  
1601 Elm Street Ste 4400  
Dallas, TX 75201  
Tel: (214) 978-6600  
pskiermont@skiermontderby.com

SAMUEL HALL (*pro hac vice pending*)  
WILLKIE FARR GALLAGHER LLP  
1875 K Street NW, Washington, DC 20006  
Tel: (202) 303-1443 / Fax: (202) 303-2000  
shall@willkie.com

***Attorneys for Movant Aaron Rich***

**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that on December 6, 2019, the foregoing document was emailed to Chapwood Capital Investment Management's managing partner, Edward Butowsky, at ebutowsky@gmail.com. In addition, the foregoing document was sent via Federal Express to the following address:

Chapwood Capital Investment Management  
4965 Preston Park Blvd #100  
Plano, TX 75093

Dated: December 6, 2019

/s/ Samuel Hall  
SAMUEL HALL